

Account No. 02-4800 in the event the fee set forth in 37 C.F.R. § 1.17(p) is required for this IDS to be considered.

## **I. INTERVIEW SUMMARY**

Applicants' representative discussed the Office Action mailed on June 12, 2008 with the Examiner on July 8, 2008. Applicants' representative informed the Examiner that the Office Action, which rejected claims 1-20, did not examine any currently pending claims because a preliminary amendment was filed on December 22, 2004 with the application that cancelled claims 1-20 and added new claims 21-68. The Examiner stated that no preliminary amendment was viewable on the electronic database he has access to. Indeed, PAIR does not currently show the preliminary amendment as a document that may be viewed in this application's image file wrapper. Applicants' representative informed the Examiner that the preliminary amendment was indeed filed and that there were numerous documents that verified the filing of the amendment. The Examiner asked that a response to the Office Action be filed that provided a copy of the preliminary amendment that was filed along with copies of the documents that showed USPTO verification of receipt of the preliminary amendment. The Examiner stated that, after receiving these documents, he would issue a new Office Action that would examine the currently pending claims. He further stated that this new office action would be issued as a non-final office action.

## **II. PROOF OF PREVIOUSLY FILED PRELIMINARY AMENDMENT**

As requested by the Examiner, Applicants provide herewith copies of the following documents that prove the preliminary amendment of December 22, 2004 was filed on that date. These copies include a postcard filing receipt, a transmittal letter, a notification of missing requirements under 35 U.S.C. 371 in the U.S. designated/elected office (DO/EO/US) mailed on June 10, 2005 and a Notice of Acceptance of Application Under 35 U.S.C. 371 And 37 C.F.R.

1.495 dated July 12, 2005. Each of these documents show that the USPTO acknowledged receipt of the preliminary amendment filed on December 22, 2004. A copy of this preliminary amendment is also provided herewith as requested by the Examiner. As discussed in the interview of July 8, 2008, Applicants respectfully request that currently pending claims 21-68 be examined by the Examiner.

### **III. THE CURRENTLY PENDING CLAIMS ARE PATENTABLE OVER ART IDENTIFIED IN THE PRIOR OFFICE ACTION**

Applicants also wish to advise the Examiner that a related patent application filed in the European Patent Office issued as EP 1 375 023. The claims of the European Patent relate to the subject matter of claims 21-68.

Applicants' also note that the Examiner cited JP59042135 as a basis for rejecting the cancelled claims. JP59042135, however, does not anticipate or render the currently pending claims 21-68 obvious. For example, JP59042135 does not teach or suggest the adjustment of any flank clearance between meshing tooth systems by the continuous relative rotation with respect to one of another of the rolls.

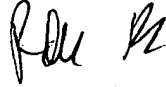
The Examiner makes reference to the abstract of JP59042135, which states that "the clearance between rolls 5, 7 is set to a required value." It is obvious, however, that this "clearance" is not the flank clearance. To the contrary, this clearance is the center distance between the rolls. This follows from the fact that hydraulic cylinder 22 is used for setting the "clearance" value. Figure 1, as well as the whole context of the abstract clearly show that hydraulic cylinder 22 changes the distance of the bearings of the two rolls and, therefore, the center distance of the rolls.

Moreover, Figures 1, 2, 6 and 10 of JP59042135, to which the Examiner previously referred, also do not show to rotate the rolls continuously relative to one another. In contrast,

Figures 2 and 6 imply that the relative rotation of the two rolls is always constant so that the "phase shift" between the two rolls and their respective tooth systems is exactly  $180^\circ$ .

For at least the above reasons, consideration and allowance of all pending claims are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Fischer'.

Ralph G. Fischer  
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Attorneys for Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant  
Applicant:



Herbert Faehrroles et al.  
METHOD FOR SHAPING A METALLIC FLAT MATERIAL,  
METHOD FOR THE MANUFACTURE OF A COMPOSITE  
MATERIAL AND DEVICES FOR PERFORMING  
THESE METHODS

Docket No. : 040621

PRELIMINARY AMENDMENT

Pittsburgh, Pennsylvania 15219

December 22, 2004

Commissioner for Patents  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This is a Preliminary Amendment to the above-captioned patent application that is being filed today in the United States Patent and Trademark Office. Please amend this application as set forth hereinafter.

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Remarks/Arguments** begin on page 10 of this paper.

Amendments to the Translated Specification:

At line 1, before the title, insert:

**TITLE**

At line 3, following the title of the application, please insert the following:

**CROSS REFERENCE TO RELATED APPLICATIONS**

This application claims priority to PCT/EP03/006653, filed June 24, 2003, now pending,  
which claims priority to EPO 02 014 031.5, filed June 27, 2002.

**BACKGROUND**

Before the first full paragraph on page 2, insert the following heading:

**SUMMARY**

At page 8, before the third full paragraph, insert the following heading:

**BRIEF DESCRIPTION OF THE DRAWINGS**

At page 8, before the sixth full paragraph, after the brief description of the drawings,  
insert the following heading:

**DETAILED DESCRIPTION**

At page 12, replace line 1 with the following line:

Delete "CLAIMS" and insert therefore -- WHAT IS CLAIMED IS: --

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of the Claims:**

Claims 1- 20 (Cancelled)

21. (new) A continuous method for shaping a metallic flat material to give a metallic wave profile, comprising:
  - passing through said flat material between two meshing tooth systems of two rotating, toothed rolls, said rolls being provided with a continuously adjustable center distance between each other, and with a continuously adjustable mutual rotation position,
  - adjusting said center distance before or during said passing through of said flat material for setting a desired profile height of said wave profile, and
  - adjusting a flank clearance between said meshing tooth systems before or during said passing through of said flat material by relative rotation with respect to one another of said rolls for presetting a profile cross-section of said wave profile.
22. (new) The method of claim 21, wherein said metallic flat material comprises a metal plate, a metal sheet, a metal strip or a combination of these.
23. (new) The method of claim 21, wherein said profile cross-section of said wave profile is symmetrical.
24. (new) The method of claim 21, wherein said profile cross-section of said wave profile is asymmetrical.
25. (new) The method of claim 21, wherein said profile cross-section of said wave profile is sinusoidal.
26. (new) The method of claim 21, wherein said profile cross-section of said wave profile is trapezoidal.
27. (new) The method of claim 21, further comprising:

- providing said tooth systems of said rolls with a trapezoidal cross-section, and
  - bringing together said rolls until a shaping gap between said tooth systems of said rolls at least approximately corresponds to a thickness of said flat material, so that said profile cross-section of said wave profile is trapezoidal.
28. (new) The method of claim 27, further comprising;
- increasing said center distance of said rolls having said tooth systems provided with said trapezoidal cross-section, so that said profile cross-section of said wave profile is sinusoidal.
29. (new) The method of claim 21, wherein, for providing said wave profile with an asymmetrical profile cross-section, said flank clearance between said meshing tooth systems is adjusted in such a way, that said tooth systems are displaced with respect to one another when considered in a rotation direction of said rolls, so that individual teeth of said tooth systems are positioned asymmetrically to one another.
30. (new) The method of claim 21, wherein said flank clearance between said meshing tooth systems is adjusted in such a way, that a clearance between leading tooth flanks of a first tooth system of said two tooth systems and following tooth flanks of a second tooth system of said two tooth systems at least approximately corresponds to a thickness of said flat material.
31. (new) The method of claim 21, further comprising the step of applying a lubricant to said flat material, to said rolls or to both said flat material and said rolls.
32. (new) The method of claim 31, wherein said lubricant is applied to said flat material prior to said passing through of said flat material between said two meshing tooth systems.
33. (new) The method of claim 32, wherein said lubricant is a lubricating varnish.

34. (new) The method of claim 33, wherein said lubricating varnish is epoxy resin-binder based.
35. (new) The method of claim 32, wherein said lubricant is a lubricating foil.
36. (new) The method of claim 35, further comprising the step of removing said lubricating foil from said flat material following said passing through of said flat material between said two meshing tooth systems.
37. (new) Device for continuous shaping of a metallic flat material to give a metallic wave profile, comprising:
- two rotary, toothed rolls provided with meshing tooth systems, said meshing tooth systems being provided for passing through said flat material to be shaped between,
  - means for continuously adjusting a center distance between said rolls for setting a profile height of said wave profile, and
  - means for adjusting a flank clearance between said meshing tooth systems by continuously adjusting a mutual rotation position of said rolls for modifying a profile cross-section of said wave profile.
38. (new) The device of claim 37, wherein said metallic flat material comprises a metal plate, a metal sheet, a metal strip or a combination of these.
39. (new) The device of claim 37, wherein said rotary, toothed rolls are crowned.
40. (new) The device of claim 37, wherein surfaces of said rotary, toothed rolls have a centerline average surface roughness in a range of 0.01  $\mu\text{m}$  to 6.5  $\mu\text{m}$ .
41. (new) The device of claim 40, wherein said surfaces of said rotary, toothed rolls are ground.



42. (new) The device of claim 40, wherein said surfaces of said rotary, toothed rolls are coated.
43. (new) The device of claim 40, wherein said surfaces of said rotary, toothed rolls are polished.
44. (new) The device of claim 40, wherein said surfaces are provided in areas where said rolls come into contact with said flat material.
45. (new) The device of claim 37, wherein
- said tooth systems are provided with teeth each having a crest and tooth flanks, and
  - said crests are rounded at transitions leading into said tooth flanks.
46. (new) The device of claim 37, wherein
- said tooth systems are provided with teeth having tooth flanks, and with gullets located between adjacent teeth,
  - said gullets are provided with transitions leading into adjacent tooth flanks, and
  - said transitions of said gullets are rounded.
47. (new) The device of claim 37, wherein
- said tooth systems are provided with teeth each having a crest, and
  - said crests of said teeth are flattened.
48. (new) The device of claim 37, wherein
- said tooth systems are provided with teeth and with gullets located between adjacent teeth, and
  - said gullets are flattened.

49. (new) The device of claim 37, wherein
- said tooth systems are provided with teeth each having a crest, with gullets located between said teeth, and with tooth flanks extending between said crests and said gullets, and wherein
  - each of said tooth flanks has a zone having a linear cross-section.
50. (new) The device of claim 37, wherein
- said tooth systems are provided with teeth each having a crest, with gullets located between said teeth, and with tooth flanks extending between said crests and said gullets, and wherein
  - each of said tooth flanks has a zone having a slightly curved, convex shape.
51. (new) The device of claim 37, wherein
- said rolls are each provided with two ends,
  - at each of said ends are provided adjusting means common to both rolls for adjusting said center distance between said rolls, and
  - said two adjusting means are adjustable separately from one another.
52. (new) A method for the continuous manufacture of a composite material, comprising:
- shaping, in accordance with the method of claim 1, a wave profile having profile elevations on a metallic flat material to give a wavy flat material,
  - applying a second flat material to said profile elevations of said wavy flat material on a first side of said wavy flat material, and
  - firmly joining said second flat material to said wavy flat material.
53. (new) The method of claim 52, further comprising:
- applying a third flat material to said profile elevations of said wavy flat material on a second side of said wavy flat material, and
  - firmly joining said third flat material to said wavy flat material.

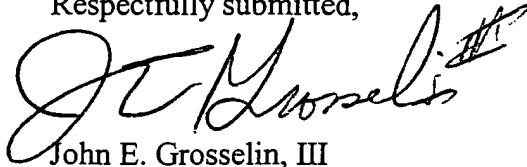
54. (new) The method of claim 52, wherein said metallic flat material comprises a metal plate, a metal sheet, a metal strip or a combination of these.
55. (new) The method of claim 52, wherein said second flat material is continuously applied to said wavy flat material and joined thereto.
56. (new) The method of claim 52, wherein said second flat material is adhered to said wavy flat material.
57. (new) The method of claim 53, wherein said third flat material is continuously applied to said wavy flat material and joined thereto.
58. (new) The method of claim 53, wherein said third flat material is adhered to said wavy flat material.
59. (new) A plant for continuous manufacture of a composite material comprising a wavy flat material and at least one further flat material, the plant comprising:
- the device of claim 17 for the continuous shaping of a metallic flat material to give a wavy flat material having a wave profile,
  - at least one supply device for supplying said further flat material to said wavy flat material passing out of said device of claim 17, and
  - at least one joining unit for joining said wavy flat material to said further flat material.
60. (new) The plant of claim 59, wherein said wavy flat material comprises a wavy metal plate, a wavy metal sheet, a wavy metal strip or a combination of these.
61. (new) The plant of claim 59, wherein
- said joining unit is provided with means for applying adhesive to profile elevations provided in said wave profile of said wavy flat material, and wherein
  - said joining unit is further provided with a pressing device for pressing said further flat material against said wavy flat material provided with said adhesive.

- 62. (new) The plant of claim 61, wherein said pressing device comprises a pressing roll.
- 63. (new) A composite material manufactured with the method of claim 52.
- 64. (new) A wall panel comprising said composite material of claim 63.
- 65. (new) A ceiling panel comprising said composite material of claim 63.
- 67. (new) A floor panel comprising said composite material of claim 63.
- 68. (new) An air conditioning element comprising said composite material of claim 63.

**REMARKS**

Entry of this Preliminary Amendment is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John E. Grosselin, III". The signature is stylized with a large, looping "J" and "G".

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DT07 Rec'd PCT/PTO 22 DEC 2004

The dating stamp of the Patent Office  
on this card will be taken as an indica-  
tion that the accompanying paper was  
filed.

Transmission Letter to  
U.S. Under 35 USC 371

Preliminary Amendment

Applicant(s) Herbert Faehrrolfes et al.

Translation of  
Application

Title Method for Shaping a Metallic

Flat Material, Method for the

Manufacture of a Composite Material

and Devices for Performing These Methods

Unsigned Declaration

Pages of Spec. 22 Claims 47

Copy of  
International  
Application

Sheets of Dwgs. 2

Two drawing sheets

Declaration Attached unsigned

Verified Statement N/A

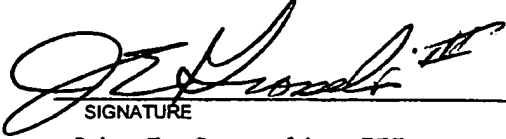
Am't of Check \$1,175.00

Att'y's File No. 040621/ieg

10/518892

|  |   |  |
|--|---|--|
| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>  |   | ATTORNEY'S DOCKET NUMBER<br><b>040621</b>                          |
|  |   | U.S. APPLICATION NUMBER (Form, see 37 CFR 1.5)<br><b>107518892</b> |
| INTERNATIONAL APPLICATION NO.<br><b>PCT/EP03/006653</b>  | INTERNATIONAL FILING DATE<br><b>June 24, 2003</b> | PRIORITY DATE CLAIMED<br><b>June 27, 2002</b>                      |
| TITLE OF INVENTION <b>METHOD FOR SHAPING A METALLIC FLAT MATERIAL, METHOD FOR THE<br/>MANUFACTURE OF A COMPOSITE MATERIAL AND DEVICES FOR PERFORMING THESE METHODS</b>   |   |  |
| APPLICANT(S) FOR DO/EO/US<br><b>Herbert Faehrrolfes, Michael Schiekel and Dr. Klemens Wesolowski</b>   |   |  |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:  |   |  |
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))               <ol style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).               <ol style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> |   |  |
| Items 11 to 20 below concern document(s) or information included:  |   |  |
| <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A preliminary amendment.</li> <li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input type="checkbox"/> Other items or information:</li> </ol>  |   |  |

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

|   |              |   |            |                          |             |
|---|--------------|---|------------|--------------------------|-------------|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5)   |              | INTERNATIONAL APPLICATION NO.   |            | ATTORNEY'S DOCKET NUMBER |             |
| 10/518892   |              | PCT/EP03/06653  |            | 040621                   |             |
| 21. The following fees are submitted:   |              |   |            |                          |             |
| <input checked="" type="checkbox"/> a) Basic national fee.....  |              |   |            | \$300.00                 | \$ 300.00   |
| <input checked="" type="checkbox"/> b) Examination fee.....   |              |   |            | \$200.00                 | \$ 200.00   |
| <input checked="" type="checkbox"/> c) Search fee.....  |              |   |            | \$500.00                 | \$ 500.00   |
| TOTAL OF ABOVE CALCULATIONS =   |              |   |            | \$1000.00                | \$ 1,000.00 |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.  |              |   |            |                          |             |
| Total Sheets  | Extra sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE       |                          |             |
| - 100 =   | /50 =        |   | x \$250.00 | \$ 00                    |             |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).  |              |   |            | \$ 00                    |             |
| CLAIMS  | NUMBER FILED | NUMBER EXTRA  | RATE       | \$                       |             |
| Total claims  | 47 - 20 =    | 27  | x \$50.00  | \$ 1,350.00              |             |
| Independent claims  | 2 - 3 =      | 0   | x \$200.00 | \$                       |             |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)   |              |   | + \$360.00 | \$                       |             |
| TOTAL OF ABOVE CALCULATIONS =   |              |   |            | \$ 2,350.00              |             |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.  |              |   |            | \$ 00                    |             |
| SUBTOTAL =  |              |   |            | \$ 1,175.00              |             |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).   |              |   |            | \$ 00                    |             |
| TOTAL NATIONAL FEE =  |              |   |            | \$ 1,175.00              |             |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property  |              |   |            | \$ 00                    |             |
| TOTAL FEES ENCLOSED =   |              |   |            | \$ 1,175.00              |             |
|   |              |   |            | Amount to be refunded:   | \$ 00       |
|   |              |   |            | Amount to be charged:    | \$ 00       |
| <p>a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>1,175.00</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>02-4553</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> |              |   |            |                          |             |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.  |              |   |            |                          |             |
| SEND ALL CORRESPONDENCE TO:   |              |   |            |                          |             |
| <u>Buchanan Ingersoll, PC</u><br><u>One Oxford Centre</u><br><u>301 Grant Street, 20th Floor</u><br><u>Pittsburgh, Pennsylvania 15219</u>   |              |   |            |                          |             |
| <br>SIGNATURE<br><u>John E. Grosselin, III</u><br>NAME<br><u>38,478</u><br>REGISTRATION NUMBER  |              |   |            |                          |             |





## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|------------------|
| 10/518,892                  | Herbert Fachrrolfes   | 040621           |

Buchanan Ingersoll  
 One Oxford Centre  
 301 Grant Street  
 20th floor  
 Pittsburgh, PA 15219

| INTERNATIONAL APPLICATION NO. |               |
|-------------------------------|---------------|
| PCT/EP03/06653                |               |
| LA. FILING DATE               | PRIORITY DATE |
| 06/24/2003                    | 06/27/2002    |

CONFIRMATION NO. 2861  
 371 FORMALITIES LETTER

\*OC000000016244263\*

Date Mailed: 06/10/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 12/22/2004
- Copy of the International Search Report filed on 12/22/2004
- Preliminary Amendments filed on 12/22/2004
- Information Disclosure Statements filed on 12/22/2004
- Small Entity Statement filed on 12/22/2004
- Request for Immediate Examination filed on 12/22/2004
- Copy of references cited in ISR filed on 12/22/2004
- U.S. Basic National Fees filed on 12/22/2004
- Priority Documents filed on 12/22/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DEBORAH D WILLIAMS

Telephone: (703) 308-9140 EXT 205

PART 2 - OFFICE COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/518,892                  | PCT/EP03/06653                | 040621           |



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|------------------|
| 10/518,892                  | Herbert Faehrrolfes   | 040621           |

| INTERNATIONAL APPLICATION NO. |
|-------------------------------|
|-------------------------------|

PCT/EP03/06653

| I.A. FILING DATE | PRIORITY DATE |
|------------------|---------------|
| 06/24/2003       | 06/27/2002    |

Buchanan Ingersoll  
 One Oxford Centre  
 301 Grant Street  
 20th floor  
 Pittsburgh, PA 15219

CONFIRMATION NO. 2861

## 371 ACCEPTANCE LETTER



\*OC000000016485598\*

Date Mailed: 07/12/2005

## NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

| <u>06/22/2005</u>  | <u>06/22/2005</u>                                    |
|--|--|
| DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS | DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS |

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Indication of Small Entity Status
- Copy of the International Application filed on 12/22/2004
- Copy of the International Search Report filed on 12/22/2004
- Preliminary Amendments filed on 12/22/2004
- Information Disclosure Statements filed on 12/22/2004
- Oath or Declaration filed on 06/22/2005
- Small Entity Statement filed on 12/22/2004
- Request for Immediate Examination filed on 12/22/2004
- Copy of references cited in ISR filed on 12/22/2004
- U.S. Basic National Fees filed on 12/22/2004
- Priority Documents filed on 12/22/2004

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Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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**PART 3 - OFFICE COPY**

FORM PCT/DO/EO/903 (371 Acceptance Notice)